

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

GENENTECH INC.,

NO. 5:10-cv-04255-EJD

Plaintiff(s),

**ORDER SETTING DEADLINE TO FILE
JOINT STATUS STATEMENT**

v.

GLAXOSMITHKLINE LLC,

Defendant(s).

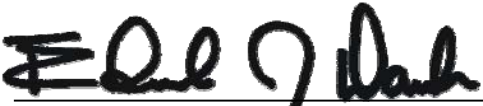
_____ /

On December 1, 2010, the court (Judge Jeremy Fogel) issued an Order granting in part and denying in part Defendant GlaxoSmithKline, LLC's Motion to Dismiss, Transfer, or Stay this action. As a result, this case was stayed pending a decision by the District of Delaware on Genentech's Motion to Transfer before the District. (See Docket Item No. 47). Plaintiff Genentech, Inc.'s Motion for Summary Judgment of Non-Infringement of United States Patent Nos. RE40,070 and RE41,555 (See Docket Item No. 29) was left pending at the time the stay was imposed.

On April 25, 2011, this case was reassigned to this court for all purposes. To date, the parties have failed to submit a Joint Case Management Statement pursuant to the ensuing Reassignment Order. (See Docket Item no. 54). Due to this failure and considering the length of time this case has been stayed, the Court now sets a deadline for the parties to comply. Accordingly, on or before **September 2, 2011**, the parties shall file a joint status statement which, in addition to the content specified in the Reassignment Order, provides the status of the Delaware Motion to Transfer, the Motion for Summary Judgment pending before this court, and how the parties believe this case should proceed.

IT IS SO ORDERED.

Dated: August 23, 2011


EDWARD J. DAVILA
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 John M. Desmarais jdesmarais@desmaraisllp.com
3 Daralyn J. Durie ddurie@durietangri.com
4 Naomi Jane Gray ngray@harveysiskind.com
5 D. Peter Harvey pharvey@harveysiskind.com
6 Mark Alan Lemley mlemley@durietangri.com
7 Joshua H. Lerner jlerner@durietangri.com
8 Xiao Li xli@desmaraisllp.com
9 Michael P. Stadnick mstadnick@desmaraisllp.com
10 Ragesh K. Tangri rtangri@durietangri.com

11 **Dated: August 23, 2011**

Richard W. Wieking, Clerk

12 **By: /s/ EJD Chambers**
13 **Elizabeth Garcia**
14 **Courtroom Deputy**

15
16
17
18
19
20
21
22
23
24
25
26
27
28
United States District Court
For the Northern District of California